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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DIANA STINNETT, individually and
on behalf of all others similarly
situated,

Plaintiffs,

v.

OneEnergy Partners Management
Holdings, LLC d/b/a/ COMMUNITY
MINERALS II, LLC; and DOES 1-10
Inclusive,

Defendant.

Case No.:

CLASS ACTION

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF
PURSUANT TO THE
TELEPHONE CONSUMER
PROTECTION ACT, 47 U.S.C. §
227, ET SEQ.

JURY TRIAL DEMANDED

**ACTION SEEKING STATEWIDE
OR NATIONWIDE RELIEF**

INTRODUCTION

1. DIANA STINNETT (“Plaintiff”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of OneEnergy Partners Management Holdings, LLC d/b/a/ COMMUNITY MINERALS II, LLC (“Defendant”), in negligently contacting Plaintiff on Plaintiff’s cellular telephone, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, (“TCPA”) and related regulations. Plaintiff alleges as follows upon personal knowledge as to herself and

1 her own acts and experiences, and, as to all other matters, upon information and
2 belief, including investigation conducted by her attorneys.

3 2. The TCPA was designed to prevent calls and messages like the ones
4 described within this complaint, and to protect the privacy of citizens like Plaintiff.
5 “Voluminous consumer complaints about abuses of telephone technology – for
6 example, computerized calls dispatched to private homes – prompted Congress to
7 pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).

8 3. In enacting the TCPA, Congress intended to give consumers a choice
9 as to how creditors and telemarketers may call them and made specific findings
10 that “[t]echnologies that might allow consumers to avoid receiving such calls and
11 messages are not universally available, are costly, are unlikely to be enforced, or
12 place an inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11.
13 Toward this end, Congress found that:

14 [b]anning such automated or prerecorded telephone calls to the home,
15 except when the receiving party consents to receiving the call or when
16 such calls are necessary in an emergency situation affecting the health
17 and safety of the consumer, is the only effective means of protecting
18 telephone consumers from this nuisance and privacy invasion.

19 4. *Id.* at § 12; see also *Martin v. Leading Edge Recovery Solutions, LLC*,
20 2012 WL 3292838, at* 4 (N.D.Ill. Aug. 10, 2012) (citing Congressional findings
21 on TCPA’s purpose).

22 5. Congress also specifically found that “the evidence presented to the
23 Congress indicates that automated or prerecorded calls are a nuisance and an
24 invasion of privacy, regardless of the type of call...” *Id.* at §§ 12-13. See also,
25 *Mims*, 132 S. Ct. at 744.

26 6. In a recent decision, the Supreme Court interpreted the term
27 “automatic telephone dialing system” and held that “[t]o qualify as an ‘automatic
28 telephone dialing system,’ a device must have the capacity either to store a

1 telephone number using a random or sequential generator or to produce a telephone
2 number using a random or sequential number generator.” Facebook, Inc. v. Duguid,
3 141 S.Ct. 1163 (2021) (emphasis added).

4 7. In Duguid, the Supreme Court provided an example of such systems,
5 stating: “For instance, an autodialer might use a random number generator to
6 determine the order in which to pick phone numbers from a preproduced list. It
7 would then store those numbers to be dialed at a later time.” Id. at 1171-72 fn.

8 8. Further, both Duguid and the legislative history of the TCPA are clear
9 that the original focus on prerecorded voice technology prohibition was the fact
10 that such communications involved agentless calls, not on the question of whether
11 a literal voice was used during those agentless calls. See Hearing Before the
12 Subcommittee on Communications of the Committee on Commerce, Science and
13 Transportation, United States Senate One Hundred Second Congress First Session
14 July 24, 1992, Testimony of Robert Bulmash and Steve Hamm at pg 11; 7 FCC
15 Rcd. 8752 (F.C.C. September 17, 1992).

16 9. The Sixth Circuit has also recognized this distinction: “Congress drew
17 an explicit distinction between ‘automated telephone calls that deliver an artificial
18 or prerecorded voice message’ on the one hand and ‘calls place by ‘live’ persons’
19 on the other.” Ashland Hosp. Corp. v. Serv. Employees Int’l Union, Dist. 1199
20 WV/KY/OH, 708 F.3d 737,743 (6th Cir. 2013).

21 10. Similarly, the FTC has observed that “prerecorded calls are by their
22 very nature one-sided conversations, and if there is no opportunity for consumers
23 to ask questions, offers may not be sufficiently clear for consumers to make
24 informed choices before pressing a button or saying yes to make a purchase.” 73
25 FR 51164-01, 51167 (Aug. 29, 2008).

26 JURISDICTION AND VENUE

27 11. Jurisdiction is proper under 28 U.S.C. § 1331 because this action
28 arises under a federal statute, namely the Telephone Consumer Protection Act, 47

1 U.S.C. § 227, *et seq.*

2 12. Venue is proper in the United States District Court for the Central
3 District of California pursuant to 18 U.S.C. § 1391(b)(2) because a substantial part
4 of the events or omissions giving rise to Plaintiff's claims occurred within this
5 district.

6 **PARTIES**

7 13. Plaintiff is, and at all times mentioned herein, was a natural individual
8 and resident of the State of California, County of Los Angeles. Plaintiff is, and at
9 all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153(39).
10 Plaintiff was physically in California at the time she received the alleged phone
11 calls from Defendant.

12 14. Plaintiff is informed and believes, and thereon alleges, that Defendant
13 is a corporation of the State of California. Defendant, and all of its agents, are and
14 at all times mentioned herein were "persons," as defined by 47 U.S.C. § 153(39).
15 Plaintiff alleges that at all times relevant herein Defendant conducted business in
16 the State of California and in the County of Los Angeles, and within this judicial
17 district.

18 **FACTUAL ALLEGATIONS**

19 15. Beginning in or around August of 2024, Defendant contacted Plaintiff
20 on Plaintiff's cellular telephone number ending in -8759, in an attempt to solicit
21 Plaintiff to purchase Defendant's services.

22 16. Plaintiff answered these calls a prerecorded message was played on
23 the other end and Plaintiff was not speaking to a live person.

24 17. At one or more instance during these calls, Defendant utilized an
25 "artificial or prerecorded voice" as prohibited by 47 U.S.C. § 227(b)(1)(A).

26 18. Defendant's calls constituted calls that were not for emergency
27 purposes as defined by 47 U.S.C. § 227(b)(1)(A).
28

1 19. Furthermore, at one or more instance during these calls, Defendant
2 utilized an “artificial or prerecorded voice” as prohibited by 47 U.S.C. §
3 227(b)(1)(A).

4 20. Defendant’s calls were placed to telephone number assigned to a
5 cellular telephone service for which Plaintiff incurs a charge for incoming calls
6 pursuant to 47 U.S.C. § 227(b)(1).

7 21. Plaintiff answered one such call and requested to be removed from
8 Defendant’s list and to stop calling her.

9 22. Despite Plaintiff’s request to be added to Defendant’s do-not-call list,
10 Defendant continued to place calls to Plaintiff’s cellular telephone without her
11 consent.

12 23. Further, Plaintiff’s cellular telephone number ending in -8759 was
13 added to the National Do-Not-Call Registry since 2019.

14 24. Plaintiff estimates that she has received over ten (10) calls from
15 Defendant, most of which were sent after Defendant was advised to place Plaintiff
16 on the Defendant’s Do Not Call List.

17 25. Defendant’s calls constituted calls that were not for emergency
18 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

19 26. Defendant’s calls were placed to telephone number assigned to a
20 cellular telephone service for which Plaintiff incurs a charge for incoming calls
21 pursuant to 47 U.S.C. § 227(b)(1).

22 27. Such calls constitute solicitation calls pursuant to 47 C.F.R. §
23 64.1200(c)(2) as they were attempts to promote or sell Defendant’s services.

24 28. Plaintiff received numerous solicitation calls from Defendant within a
25 12-month period.

26 29. Plaintiff requested that Defendant stop in response to multiple calls by
27 Defendant thus revoking any prior express consent that had existed and terminating
28

1 any established business relationship that had existed, as defined under 16 C.F.R.
2 310.4(b)(1)(iii)(B).

3 30. Plaintiff's requests that Defendant calling her constitute a request that
4 he be placed on defendant's internal do-not-call list.

5 31. Upon information and belief and based on Plaintiff's experiences of
6 being called by Defendant after requesting they stop calling her, and at all relevant
7 times, Defendant does not maintain a written policy, available upon demand, for
8 maintain a do-not-call list, as required by 47 C.F.R. § 64.1200(d)(1).

9 32. Plaintiff further alleges that Defendant does not train its employees
10 who are engaged in telemarketing in the existence and use of any do-not-call list,
11 as required by 47 C.F.R. § 64.1200(d)(2).

12 33. On information and belief, Defendant failed to place Plaintiff on the
13 do-not-call list, despite her request to no longer be called by Defendant. Instead,
14 Defendant continued to call to Plaintiff's cellular telephone, in violation of 47
15 C.F.R. § 64.1200(d)(3).

16 34. These calls by Defendant, or its agents, violated 47 U.S.C. §
17 227(b)(1).

18 CLASS ACTION ALLEGATIONS

19 35. Plaintiff brings this action on behalf of herself and on behalf of and all
20 others similarly situated, as a member of the three proposed Classes (hereafter,
21 jointly, "The Classes").

22 36. Plaintiff represents, and is a member of, the National Do-Not-Call
23 Class (hereinafter "National DNC Class") defined as follows: All persons within
24 the United States registered on the National Do-Not-Call Registry for at least 30
25 days, who received more than one call by or on behalf of Defendant that promoted
26 Defendant's products or services within any twelve-month period, within four
27 years prior to the filing of this Complaint through the date of class certification.
28

1 37. Plaintiff represents, and is a member of, the Internal Do-Not-Call
2 Class (hereinafter “Internal DNC Class”) defined as follows: All persons within the
3 United States who requested that Defendant stop calling them, and who, after
4 requesting Defendant stop calling them, received more than one call or message by
5 or on behalf of Defendant that promoted Defendant’s products or services within
6 any twelve-month period, within four years prior to the filing of this Complaint
7 through the date of class certification.

8 38. Defendant, its employees and agents are excluded from the Classes.
9 Plaintiff does not know the number of members in the Classes, but believes the
10 Class members number in the thousands, if not more. Thus, this matter should be
11 certified as a Class action to assist in the expeditious litigation of this matter.

12 39. This suit seeks only damages and injunctive relief for recovery of
13 economic injury on behalf of the Classes, and it expressly is not intended to request
14 any recovery for personal injury and claims related thereto. Plaintiff reserves the
15 right to expand the Class definitions to seek recovery on behalf of additional
16 persons as warranted as facts are learned in further investigation and discovery.

17 40. The joinder of the Classes’ members is impractical and the disposition
18 of their claims in the Class action will provide substantial benefits both to the
19 parties and to the court. The Classes can be identified through Defendant’s records
20 or Defendant’s agents’ records.

21 41. Plaintiff and members of the National DNC Class were harmed by the
22 acts of Defendant in at least the following ways: Defendant illegally contacted
23 Plaintiff and National DNC Class members via their telephones for solicitation
24 purposes, thereby invading the privacy of said Plaintiff and the National DNC Class
25 members whose telephone numbers were on the National Do-Not-Call Registry.
26 Plaintiff and the National DNC Class members were damaged thereby.

27 42. There is a well-defined community of interest in the questions of law
28 and fact involved affecting the National DNC Class members. The questions of

1 law and fact common to the National DNC Class predominate over questions which
2 may affect individual National DNC Class members, including the following:

- 3 a. Whether, within the four years prior to the filing of this Complaint
4 through the date of class certification, Defendant or their agents placed
5 more than one telemarketing/solicitation calls to National DNC Class
6 members whose telephone numbers were on the National Do-Not-Call
7 Registry;
8 b. Whether Defendant maintains proper procedures and policies on the
9 use of do-not-call lists, as required by 47 C.F.R. § 64.1200;
10 c. Whether Plaintiff and the National DNC Class members were
11 damaged by Defendant's conduct, and the extent of damages for such
12 violations; and
13 d. Whether Defendant and their agents should be enjoined from
14 engaging in such conduct in the future.

15 43. As a person that received solicitation telephone calls from Defendant
16 within a 12-month period, and whose phone number was registered on the National
17 Do-Not-Call Registry, Plaintiff is asserting claims that are typical of the National
18 DNC Class. Plaintiff will fairly and adequately represent and protect the interests
19 of the National DNC Class in that Plaintiff has no interests antagonistic to any
20 member of the National DNC Class.

21 44. Plaintiff and members of the Internal DNC Class were harmed by the
22 acts of Defendant in at least the following ways: Defendant illegally contacted
23 Plaintiff and Internal DNC Class members via their telephones for solicitation
24 purposes, thereby invading the privacy of said Plaintiff and the Internal DNC Class
25 members who had requested that Defendant stop contacting them. Plaintiff and the
26 Internal DNC Class members were damaged thereby.

27 45. There is a well-defined community of interest in the questions of law
28 and fact involved affecting the Internal DNC Class members. The questions of law

1 and fact common to the Internal DNC Class predominate over questions which may
2 affect individual Internal DNC Class members, including the following:

- 3 a) Whether, within the four years prior to the filing of this Complaint
4 through the date of class certification, Defendant or their agents placed
5 more than one telemarketing/solicitation telephone calls to Internal
6 DNC Class members who had previously requested that Defendant
7 stop contacting them;
8 b) Whether Defendant maintains proper procedures and policies on the
9 use of do-not-call lists, as required by 47 C.F.R. § 64.1200;
10 c) Whether Plaintiff and the Internal DNC Class members were damaged
11 by Defendant's conduct, and the extent of damages for such
12 violations; and
13 d) Whether Defendant and their agents should be enjoined from
14 engaging in such conduct in the future.

15 46. As a person that received numerous solicitation telephone calls from
16 Defendant within a 12-month period, and who had previously requested that
17 Defendant stop contacting her, Plaintiff is asserting claims that are typical of the
18 Internal DNC Class. Plaintiff will fairly and adequately represent and protect the
19 interests of the Internal DNC Class in that Plaintiff has no interests antagonistic to
20 any member of the Internal DNC Class.

21 47. Plaintiff represents, and is a member of, the Prerecorded Class,
22 defined as follows: All persons within the United States who received any phone
23 calls sent using a prerecorded, or artificial voice from Defendant, which phone call
24 was not made for emergency purposes or with the recipient's prior express consent
25 within the four years prior to the filing of the Complaint through the date of class
26 certification.

27 48. Plaintiff and members of the Prerecorded Class were harmed by the
28 acts of Defendant in at least the following ways: Defendant, either directly or
through their agents, illegally contacted Plaintiff and the Prerecorded Class
members via their cellular telephones by using marketing and telephone calls,
thereby causing Plaintiff and the Prerecorded Class members to incur certain
cellular telephone charges or reduce cellular telephone time for which Plaintiff and

1 the Prerecorded Class members previously paid, and invading the privacy of said
2 Plaintiff and the Prerecorded Class members. Plaintiff and the Prerecorded Class
3 members were damaged thereby.

4 49. There is a well-defined community of interest in the questions of law
5 and fact involved affecting the Prerecorded Class members. The questions of law
6 and fact common to the Prerecorded Class predominate over questions which may
7 affect individual Prerecorded Class members, including the following:

- 8
- 9 a) Whether, within the four years prior to the filing of this Complaint
10 through the date of class certification, Defendant or their agents made
11 any telephone calls (other than a call made for emergency purposes or
12 made with the prior express consent of the called party) to a
13 Prerecorded Class member using an artificial voice to any telephone
14 number assigned to a cellular phone service;
- 15 b) Whether Plaintiff and the Prerecorded Class members were damaged
16 thereby, and the extent of damages for such violations; and
- 17 c) Whether Defendant and their agents should be enjoined from
18 engaging in such conduct in the future.

19 50. As a person that received at least one solicitation telephone call using
20 an artificial voice without Plaintiff's prior express consent, Plaintiff is asserting
21 claims that are typical of the Prerecorded Class. Plaintiff will fairly and adequately
22 represent and protect the interests of the Prerecorded Class in that Plaintiff has no
23 interests antagonistic to any member of the Prerecorded Class.

24 51. Plaintiff and the members of the Prerecorded Class have suffered
25 irreparable harm as a result of the Defendant's unlawful and wrongful conduct.
26 Absent a class action, the Class members will continue to face the potential for
27 irreparable harm. In addition, these violations of law will be allowed to proceed
28 without remedy and Defendant will likely continue such illegal conduct. Because
of the size of the individual member's claims, few, if any, members of the Classes
could afford to seek legal redress for the wrongs complained of herein.

1 52. Defendant, its employees and agents are excluded from the Classes.
2 Plaintiff does not know the number of members in the Classes, but believes the
3 Class members number in the thousands, if not more. Thus, this matter should be
4 certified as a Class action to assist in the expeditious litigation of this matter.

5 53. This suit seeks only damages and injunctive relief for recovery of
6 economic injury on behalf of the Classes, and it expressly is not intended to request
7 any recovery for personal injury and claims related thereto. Plaintiff reserves the
8 right to expand the Class definitions to seek recovery on behalf of additional
9 persons as warranted as facts are learned in further investigation and discovery.

10 54. The joinder of the Class members is impractical and the disposition of
11 their claims in the Class action will provide substantial benefits both to the parties
12 and to the court. The Classes can be identified through Defendant's records or
13 Defendant's agents' records.

14 55. Plaintiff has retained counsel experienced in handling class action
15 claims and claims involving violations of the Telephone Consumer Protection Act.

16 56. A class action is a superior method for the fair and efficient
17 adjudication of this controversy. Class-wide damages are essential to induce
18 Defendant to comply with federal and California law. The interest of the Class
19 members in individually controlling the prosecution of separate claims against
20 Defendant are small because the maximum statutory damages in an individual
21 action for violation of privacy are minimal. Management of these claims is likely
22 to present significantly fewer difficulties than those presented in many class claims.

23 57. Defendant has acted on grounds generally applicable to the Classes,
24 thereby making appropriate final injunctive relief and corresponding declaratory
25 relief with respect to the Classes as a whole.

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27 ///

28 ///

**FIRST CAUSE OF ACTION
NEGLIGENT VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227(c)**

ON BEHALF OF THE NATIONAL DNC AND INTERNAL DNC CLASS

58. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

59. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227(c), and in particular 47 U.S.C. § 227(c)(5).

60. As a result of Defendant's negligent violations of 47 U.S.C. § 227(c), Plaintiff and the National DNC Class and the Internal DNC Class members are entitled to an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B).

61. Plaintiff and the National DNC Class and the Internal DNC Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

**SECOND CAUSE OF ACTION
KNOWING AND/OR WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227(c)**

ON BEHALF OF THE NATIONAL DNC CLASS AND THE INTERNAL DNC CLASS

62. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

63. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227(c), and in particular 47 U.S.C. § 227(c)(5).

64. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(c), Plaintiff and the National DNC Class and the Internal DNC Class

1 members are entitled to an award of \$1,500.00 in statutory damages, for each and
2 every violation, pursuant to 47 U.S.C. § 227(c)(5).

3 65. Plaintiff and the National DNC Class and the Internal DNC Class
4 members are also entitled to and seek injunctive relief prohibiting such conduct in
5 the future.

6 **THIRD CAUSE OF ACTION**
7 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**
8 **47 U.S.C. § 227(B)**
9 **ON BEHALF OF THE PRERECORDED CLASS**

10 66. Plaintiff incorporates by reference all of the above paragraphs of this
11 Complaint as though fully stated herein.

12 67. The foregoing acts and omissions of Defendant constitute numerous
13 and multiple negligent violations of the TCPA, including but not limited to each
14 and every one of the above-cited provisions of 47 U.S.C. § 227(b).

15 68. As a result of Defendant's negligent violations of 47 U.S.C. § 227(b),
16 Plaintiff and the Prerecorded Class members are entitled to an award of \$500.00 in
17 statutory damages, for each and every violation, pursuant to 47 U.S.C. §
18 227(b)(3)(B).

19 69. Plaintiff and Prerecorded Class members are also entitled to and seek
20 injunctive relief prohibiting such conduct in the future.

21 **FOURTH CAUSE OF ACTION**
22 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE**
23 **TELEPHONE CONSUMER PROTECTION ACT**
24 **47 U.S.C. § 227(B)**
25 **ON BEHALF OF THE PRERECORDED CLASS**

26 70. Plaintiff incorporates by reference all of the above paragraphs of this
27 Complaint as though fully stated herein.

28 71. The foregoing acts and omissions of Defendant constitute numerous
and multiple knowing and/or willful violations of the TCPA, including but not
limited to each and every one of the above-cited provisions of 47 U.S.C. § 227(b).

72. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(b), Plaintiff and the Prerecorded Class members are entitled to an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

73. Plaintiff and the Prerecorded Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff, and members of The National and Internal DNC Classes, the following relief against Defendant:

FIRST CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF THE TCPA, 47 U.S.C. § 227(C)

- As a result of Defendant's negligent violations of 47 U.S.C. § 227(c)(5), Plaintiff seeks for herself and each national DNC Class and Internal DNC Class member \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B).
- Pursuant to 47 U.S.C. § 227(c)(5)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

SECOND CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL VIOLATION OF THE TCPA, 47 U.S.C. § 227(C)

- As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(c)(5), Plaintiff seeks for herself and each National DNC Class and Internal DNC Class member \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B) and 47 U.S.C. § 227(c)(5)(C).
- Pursuant to 47 U.S.C. § 227(c)(5)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff, and

members of The Prerecorded Class, the following relief against Defendant:

**THIRD CAUSE OF ACTION FOR NEGLIGENT VIOLATION OF
THE TCPA, 47 U.S.C. § 227(B)**

- As a result of Defendant's negligent violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for herself and each Prerecorded Class member \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

**FOURTH CAUSE OF ACTION FOR KNOWING AND/OR WILLFUL VIOLATION OF
THE TCPA, 47 U.S.C. § 227(B)**

- As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks for herself and each Prerecorded member \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).
- Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.
- Any other relief the Court may deem just and proper.

TRIAL BY JURY

74. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: October 31, 2024

Respectfully submitted,

THE LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman
TODD M. FRIEDMAN, ESQ.
ATTORNEY FOR PLAINTIFF